

DAVID BURCHARD
CHAPTER 13 TRUSTEE
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**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SANTA ROSA DIVISION**

In re:

HUGO TAPIA
9480 ERIKA DR
WINDSOR, CA 95492

###-##-8211

Debtor(s).

Case No.: 10-1-3663AJ13
Chapter 13

NOTICE BY DAVID BURCHARD, CHAPTER 13
TRUSTEE, OF CHAPTER 13 PLAN DEFICIENCIES

341 MEETING OF CREDITORS:

Date: 11/01/2010
Time: 8:00 AM
Place: Office of the United States Trustee
777 Sonoma Ave., First Floor, #116
Santa Rosa, CA 95404

CONFIRMATION HEARING:

Date: 12/20/2010
Time: 1:30 PM
Place: United States Bankruptcy Court
99 South E Street
Santa Rosa, CA 95404

DAVID BURCHARD, Chapter 13 Trustee in the above-entitled action, cannot recommend Confirmation of the Chapter 13 Plan proposed hereunder by Debtor(s) for the following reason(s).

1. Trustee requests a signed copy of Debtor's 2009 Federal Income Tax Return. Debtor's tax return is due seven days prior to the Debtor's 341 Meeting of Creditors.
2. The Trustee requests copies of Debtor's payment advices received in the last six months prior to the filing of the Bankruptcy (March through August 2010), or, in the alternative, a Debtor's declaration that details why pay advices cannot be provided.
3. Paragraphs 2, 3 and 4 of the Debtor's plan propose fixed monthly payments totaling \$379.13 to be paid through the plan. Debtor's monthly plan payments are \$405.00, thus not allowing for the Trustee's administrative fees of \$40.50. The Trustee will be unable to administer this provision of the plan and requests that Debtor's counsel amend the plan.
4. Paragraph 11 of the Debtor's plan indicates the lien on the Debtor's real property held by BAC Home Loans Servicing shall be voided. The Trustee requests that Debtor's Notice and Motion to Avoid Lien be filed and resolved prior to confirmation.
5. The Trustee requests copies of the note and deed of trust on the property 442 Greenwood Ave, Santa Rosa, California.
6. The Trustee requests clarification if the creditor of the deed of trust of the Debtor's property located at 442 Greenwood Ave, Santa Rosa, California, has received notice of bankruptcy. The Trustee requests that Debtor's counsel amend the appropriate schedules and/or the plan and send notice of the Bankruptcy filing to the creditor.

7. Debtor's Statement of Financials Question 9 indicates Debtor's attorney collected fees in the amount of **\$2,000.00, \$274.00, \$28.00, and \$5.00**, however, Debtor's plan and Debtor's Statement of Attorney Compensation Pursuant to Rule 2016(b) reflects fees collected were **\$0.00**. The Trustee requests clarification or the appropriate documents be amended so they are accurate and consistent.

PLEASE TAKE NOTICE that, without prior notice, at the above-referenced confirmation hearing date assigned to your Chapter 13 case, the Court may DISMISS the above-referenced case upon making a determination that Debtor(s) has/have not presented a feasible Plan, Debtor(s) has/have not made the required payments under the Plan, Debtor(s) has/have violated the statutory debt limitations set for a Chapter 13 case, Debtor(s) has/have not filed this proceeding in good faith, Debtor(s) has/have not provided documents and/or Schedules and Plan as required under the Bankruptcy code, and/or Debtor(s) has/have not provided the Trustee with Payment Advices or Declarations.

Dated: October 7, 2010

DAVID BURCHARD

DAVID BURCHARD, Chapter 13 Trustee

Certificate of Mailing

I, DENIZ BRIDGMAN, the undersigned, certify that:

I am over the age of 18 years and not a party to this action. I am employed by the Trustee whose business address is 393 Vintage Park Drive, Suite #150, Foster City, CA. On the date set forth below, I served a copy of the NOTICE BY DAVID BURCHARD, CHAPTER 13 TRUSTEE, OF CHAPTER 13 PLAN DEFICIENCIES, and this Certificate of Mailing, on the persons listed below by following our ordinary business practice for service, which is either deposited in the ordinary course of business with the U.S. Postal Service by first class mail or served by electronic transmission from the Court, if applicable. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

HUGO TAPIA
9480 ERIKA DR
WINDSOR, CA 95492

EVAN LIVINGSTONE
LAW OFFICES OF EVAN LIVINGSTONE
740 FOURTH ST # 215
SANTA ROSA, CA 95404-0000

United States Trustee
235 Pine Street, Suite 700
San Francisco, CA 94104

Dated: October 7, 2010

DENIZ BRIDGMAN

DENIZ BRIDGMAN